

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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<p>ALGONQUIN GAS TRANSMISSION, LLC, a limited liability company of the State of Delaware,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>0.11 Acres Of Land, More or Less, In STONY POINT, ROCKLAND COUNTY, NEW YORK; MICHAEL MACALPIN AND CORDIS MACALPIN, fee owners; and ALL UNKNOWN OWNERS,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. 15-cv-06178-CM</p> <p style="text-align: center;"><b>STATEMENT OF UNDISPUTED MATERIAL FACTS</b></p>
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Plaintiff Algonquin Gas Transmission, LLC ("Algonquin") sets forth the following material facts not in dispute herein in accordance with L.Civ.R. 56.1. The facts set forth herein are taken from the Verified Complaint, the Declaration of Edward C. Harney and the Declaration of James Luskay. The parties in this matter have not set forth any facts to date which would rebut the undisputed facts set forth herein.

1. Algonquin is a natural gas company within the meaning of the Natural Gas Act, 15 U.S.C., § 717 et seq., (the "Natural Gas Act"). Algonquin's interstate natural gas pipeline system extends from points near Lambertville and Hanover, New Jersey through the states of New Jersey, New York, Connecticut, Rhode Island, and

Massachusetts. Luskay Declaration ¶5.

2. Algonquin is in the process of implementing the Algonquin Incremental Market Project (the “AIM Project”), which primarily involves the replacement of existing 26-inch diameter pipeline with 42-inch diameter pipeline along Algonquin’s existing and new right-of-way in Rockland and Westchester Counties, as well as modifications to existing metering and regulating stations and compressor stations to provide increased volumes of natural gas to southern New England. Luskay Declaration ¶1.
3. On March 3, 2015, the Federal Energy Regulatory Commission (“FERC”) issued, in its Docket No. CP14-96-000, a Certificate of Public Convenience and Necessity (“Certificate”) authorizing Algonquin to construct, operate, and maintain the AIM Project. Luskay Declaration ¶7; Exhibit A.
4. To complete construction of the AIM Project in accordance with the Certificate and along the approved alignment, Algonquin must acquire a 0.11 acre temporary easement on property owned by MICHAEL MACALPIN AND CORDIS MACALPIN in STONY POINT, ROCKLAND COUNTY (Tax Map Section 15.01, Block 5, Lot 52) by deed dated October 12, 2004, recorded in the County Clerk’s Office in ROCKLAND COUNTY (hereafter, the “Property”). Harney Declaration ¶¶4-5;
5. The temporary easement on the Property will occupy an area of 4791.60 square feet (0.11 acres), as shown in the Drawing No. S7-P-9007. Harney Declaration ¶¶4-5; Exhibit A.
6. The temporary easement identified as Tract R-83.01 on Block 5, Lot 52 is necessary for Algonquin to construct, operate and maintain the Project as required by the FERC Certificate. Luskay Declaration ¶4.

7. The estimated amount of compensation for the temporary easement on the Property exceeds \$3,000.00. Harney Declaration ¶13.
8. Algonquin has been unable to acquire the temporary easement on the Property through good faith negotiations. Harney Declaration ¶13.

**DECOTIIS, FITZPATRICK & COLE, LLP**  
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Algonquin Gas Transmission, LLC

Dated: August 13, 2014

  
s/ Jeffrey D. Smith

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